IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 11083 of 2004

Between:

B.Adinarayana, S/o.Maddelati,
Hindu, aged about 46 years, occ:
Presently working in Allagadda Depot,
Allagadda, Kurnool Dist.

.....
PETITIONER

AND

1 The Depot Manager,
APSRTC., Nandyal Depot,
Nandyal, Kurnool District..

2 The Deputy Chief Traffic Manager,
APSRTC,Kurnool,
Kurnool Dist.

.

3 The Regional Manager,
APSRTC., Kurnool Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ, declaring the action of the 1st respondent in deferring two annual increments of the petitioner with cumulative effect vide his proceedings NO:02/85(144)/98-NDL dated.3-2-1999 and modifying the same by the 2nd respondent vide his proceedings No.St/19(133)/2000-Dy, CTM dated 5-7-2000 and confirming the

same by the 3rd respondent in his proceedings No.PA/19(178)/2000 - RMO dt:16-12-2000 as illegal, arbitrary and inviolation of principles of natural justice and inviolation of Art 14 and 21 of the Constitution of India and consequently direct the respondents to add one increment to the pay of the petitioner and pass such other or further order as this Hon'ble Court may deem fit and proper in the cirucumstances of the case.

Counsel for the Petitioner: S.SURENDRA KUMAR

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court Made the Following :

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

ORDER:

It is the grievance of the petitioner that a show cause notice dated 13-01-1999 was given him, who is the Conductor in the respondent-Corporation for having in the possession of one ticket of Rs.0-50 paise denomination, which has been already punched in the up journey. The writ petitioner gave explanation stating that some mistake had occurred by over sight, and that not being satisfied with the explanation, the first respondent ordered to reduce two increments with permanent effect. Aggrieved by the same the petitioner preferred an appeal before the second respondent, and the second respondent by an order dated 05-07-2000 after perusing the matter modified the punishment as 'reduction of pay by one incremental stage with permanent effect'. Questioning the same, the present writ petition is filed.

The learned counsel appearing for the petitioner contended that without conducting any departmental enquiry, the petitioner was given punishment of stoppage of one increment with cumulative effect and the same is a major penalty. The appellate authority has not considered the same and therefore, the learned counsel requests

to modify the punishment instead of remanding the matter to the appellate authority.

The learned counsel appearing for the respondents opposed the same and contended that considering the severity of the charge, proper punishment has rightly been imposed by the appellate authority. Hence, there are no grounds to interfere with the impugned proceedings.

While the petitioner was working as a conductor, the checking officials found a ticket of Rs.0.50 paise denomination found in the tray of the petitioner and the same has been punched in up journey and therefore a show cause notice was issued, for which an explanation was given by the petitioner stating that by mistake it was occurred. Admittedly, no departmental enquiry is conducted. The imposition of punishment by the first respondent and modifying the same by the appellate authority to that of one increment with permanent effect is a major penalty, which cannot be imposed without conducting a regular departmental enquiry as per the regulations of the A.P.S.R.T.C. Though the matter can be remitted back to the appellate authority, but considering the peculiar facts and circumstances of the case, it is not desirable at this point of time to remit back the matter. Even other wise, the learned counsel for the petitioner is only requesting this court to impose minor penalty instead of major penalty.

Having regard to the facts and circumstances of the case, the punishment of major penalty imposed by the second respondent can be reduced with a slight modification. Therefore, the impugned proceedings of the second respondent is modified deferring one annual increment without any cumulative effect.

In the circumstances the Writ petition is disposed of. No costs.

02-07-2004

vs/ys

To

1. The Depot Manager,
   APSRTC., Nandyal Depot,
   Nandyal, Kurnool District..

2 The Deputy Chief Traffic Manager,
   APSRTC,Kurnool,
   Kurnool Dist.

.

3 The Regional Manager,
   APSRTC., Kurnool Dist.

4 Two CD copies.

THE HON'BLE MR JUSTICE K.C. BHANU

-

-

WRIT PETITION NO : 11083 of 2004

Dated: 02-07-2003